

1 HONORABLE RICHARD A. JONES
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 STEVE TEIXEIRA,

10 Plaintiff,

11 v.
12 MOZILLA CORPORATION a.k.a. M.F.
13 Technologies, a California corporation;
14 MOZILLA FOUNDATION, a California public
15 benefit corporation; LAURA CHAMBERS and
16 her marital community; WINIFRED MITCHELL
17 BAKER and her marital community, and DANI
18 CHEHAK and her marital community.

19 Defendants.

20 Case No. 2:24-cv-1032-RAJ

21 **DECLARATION OF ANTHONY
22 TODARO IN SUPPORT OF
23 DEFENDANTS MOZILLA
24 CORPORATION a.k.a M.F.
25 TECHNOLOGIES, LAURA
26 CHAMBERS, AND DANI CHEHAK'S
MOTION TO CONTINUE TRIAL
AND AMEND CASE SCHEDULE**

17 I, Anthony Todaro, declare as follows:

18 1. I am an attorney admitted to practice in the State of Washington, a Partner with the
19 law firm of DLA Piper LLP (US), and am counsel of record for Defendants in the above-captioned
20 matter. I make this declaration based on personal knowledge and am competent to testify to the
21 matters set forth herein.

22 2. I submit this declaration in support of Defendants' Motion to Continue Trial Date
23 and Related Deadlines.

24 3. This case was removed to federal court on July 12, 2024. Defendants filed their
25 answer on August 16, 2024.

1 4. The current case schedule was set on August 19, 2024, establishing the following
2 deadlines:

- 3 a. Trial date: October 6, 2025
- 4 b. Expert disclosure deadline: April 9, 2025
- 5 c. Discovery motions deadline: May 5, 2025
- 6 d. Discovery cutoff: June 9, 2025
- 7 e. Dispositive motions deadline: July 8, 2025.

8 5. On March 26, 2025, the parties submitted a stipulation and proposed order to amend
9 the case schedule, proposing to continue the trial date to December 8, 2025.

10 6. The Court denied the stipulation on March 27, 2025, without prejudice, noting that
11 the parties had not demonstrated good cause because the stipulation contained only a bare assertion
12 that the parties were engaging in ongoing discovery efforts.

13 7. The Court explicitly left open the possibility that the parties would file a renewed
14 stipulation and advised the parties that the next available date for trial was February 17, 2026.

15 8. When Defendants sought to file another stipulation to include the relevant facts
16 establishing good cause, Plaintiff would not agree despite the fact that it would have only added
17 approximately 70 days.

18 **A. Written Discovery**

19 9. Plaintiff first served written discovery requests on Defendants on or about July 26,
20 2024. Defendants requested a two-week extension to respond to these discovery requests, but
21 Plaintiff only agreed to a one-week extension, conditioned on Defendants producing documents
22 by September 10, 2024. Defendants provided written responses to Plaintiff's discovery on
23 September 10, 2024. Despite receiving Defendants' responses in September 2024, Plaintiff did not
24 raise any alleged deficiencies in Defendants' discovery responses until January 9, 2025,
25 approximately four months later. From January 2025 through March 2025, the parties engaged in
extensive meet and confer efforts to resolve the discovery disputes without court intervention. On
April 8, 2025, the parties submitted an expedited joint motion for discovery pursuant to Local Rule

1 37 regarding Plaintiff's first set of discovery requests.

2 10. Plaintiff served a second round of written discovery requests on February 26, 2025,
3 to which Defendants served responses on April 2, 2025. Parties met and conferred on April 21,
4 2025, and Mozilla promised to supplement responses by April 25, 2025.

5 11. On April 18, 2025, Plaintiff served a third set of discovery requests, including 41
6 additional requests for production.

7 12. Defendants served discovery requests, including interrogatories and requests for
8 production, on September 6, 2024. Plaintiff served responses on October 11, 2024.

9 13. Although the parties have met and conferred extensively regarding Plaintiff's
10 responses to Defendants' discovery requests, the parties have reached an impasse and anticipate
11 filing an expedited joint motion for discovery relating to Plaintiff's responses to Defendant's first
12 set of discovery by May 1, 2025.

13 **B. Document Productions**

14 14. Defendants have gathered more than 737,290 documents in an effort to comply
15 with their discovery obligations. After meeting and conferring extensively with Plaintiff's counsel
16 from January through March 2025 regarding an ESI protocol and appropriate search terms,
17 Defendants ran 60 search terms across that database and undertook to review the approximately
18 33,000 documents that hit on those search terms. Defendants' first production of documents was
19 on August 1, 2024, and consisted of one 86-page document. Defendants supplemented on
20 September 10, 2024, with 7 documents (18 pages). Defendants next supplemented on April 11,
21 2025, with 684 documents (2,256 pages) and further supplemented on April 18, 2025, with 611
22 documents (2,316 pages). In total, Defendants have produced 4,590 pages of documents to date
23 and anticipate making two additional productions within the next two weeks to complete their
24 document production. The pending joint motion for discovery may necessitate further productions.
25 Defendants' production thus far only relates to Plaintiff's first set of discovery. Defendants have
26 not yet turned to the production for Plaintiff's second and third set of Requests for Production of
Documents.

1 15. Plaintiff's first production of documents was not until January 29, 2025, and
2 consisted of 108 documents (261 pages). Plaintiff supplemented on April 7, 2025, with 197
3 documents (361 pages). Plaintiff further supplemented on April 15, 2025, with 95 documents (347
4 pages). Plaintiff has not agreed to produce his medical records, which are centrally relevant to his
5 claims and Defendants' defenses in this action, and the parties anticipate submitting an expedited
6 joint motion for discovery by May 1, 2025, which may necessitate further productions from
7 Plaintiff.

8 **C. Depositions**

9 16. To date, no depositions have been taken in this matter. There are currently ten
10 depositions scheduled between May 13 and June 12, 2025. Plaintiff noticed eight, and Defendants
11 noticed one—Plaintiff's deposition. On April 18, 2025, after Defendants noticed Plaintiff's
12 deposition, Plaintiff noticed the 30(b)(6) deposition of Mozilla Corporation—setting it for May
13 28, 2025, which included 19 topics of examination that Defendants plan to object to. Given the
14 Parties' historical meet and confer efforts, Defendants expect that Plaintiff will likely seek court
15 intervention on this issue as well. Defendants also intend to depose Plaintiff's expert, but that
16 deposition has not yet been scheduled. Based on the current deposition calendar, if the trial
17 schedule stays as currently anticipated, Plaintiff's expert will have to be deposed outside the
18 discovery cutoff deadline. Even if all of the depositions go smoothly and there are no disputes, it
19 will be impossible to obtain the certified court reporters' transcripts and all errata and incorporate
20 them into motions for summary judgment due by the current deadline of July 8, 2025.

21 17. Plaintiff identified approximately 41 potential witnesses in his initial disclosures.

22 18. Because Plaintiff is unavailable for a deposition due to a personal family matter
23 from June 2, 2025 through June 9, 2025. Defendants agreed to schedule Plaintiff's deposition on
24 June 12, 2025, after the June 9, 2025 discovery cutoff and less than one month before the
25 dispositive motion deadline. Plaintiff's counsel did not inform Defendants' counsel of Plaintiff's
26 scheduling issues until April 7, 2025, which is the same date they indicated that they would be
noting eight depositions beginning May 19, 2025.

19. Based on the current status of discovery, I believe that the parties will not be able to complete all necessary discovery in time to adequately prepare dispositive motions by the current deadline of July 8, 2025.

20. I believe that a 90 to 120 day continuance of the trial date and all related pretrial deadlines would provide sufficient time for the parties to: (a) complete the meet and confer process regarding outstanding discovery disputes; (b) resolve any remaining discovery motions; (c) complete document productions; (d) schedule and conduct remaining necessary depositions; (e) obtain certified deposition transcripts and errata sheets; (f) prepare and file dispositive motions; and (g) prepare for trial.

21. This is the first request for a continuance by motion, although the parties previously submitted a stipulation for continuance that was denied without prejudice.

22. I do not believe that any party would be prejudiced by the requested continuance. The requested trial date would align with the Court's previously indicated next available trial date of February 17, 2026.

23. I met and conferred with Plaintiff's counsel telephonically and through written correspondence regarding the subject of this Motion from April 21, 2025 through approximately April 23, 2025. Despite diligent efforts, we could not come to an agreement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed at Seattle, Washington on April 25, 2025.

DLA PIPER LLP (US)

By: s/ Anthony Todaro
Anthony Todaro, WSBA No. 3039

CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties or their counsel of record.

Dated this 25th day of April, 2025.

s/ Jacey Bittle
Jacey Bittle, Legal Executive Assistant